



1251 Avenue of the Americas,  
21st Floor  
New York, New York 10020

**Elizabeth A. McNamara**  
Tel (212) 603-6437  
lizmcnamara@dwt.com

May 23, 2022

**VIA ECF**

The Honorable P. Kevin Castel  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *Faber v. Chicago Vicinity Laborers District Council Pension Fund et al.*  
Case No. 1:22-mc-00144-PKC  
Letter-Motion for Leave to File Video Evidence in Support of Petitioner David  
Faber's Motion to Quash Non-Party Subpoena

Dear Judge Castel:

The undersigned counsel represent Petitioner David Faber in the above-referenced action. Respondents Chicago Vicinity Laborers District Council Pension Fund and New York Hotel Trades Council & Hotel Association of New York City, Inc. Pension Fund have issued a subpoena ("Subpoena") against Petitioner commanding remote testimony in connection with the underlying case *St. Clair County Employees' Retirement System v. Acadia Healthcare Co. et al.*, No. 3:18-cv-00988-WLC-AEN, pending in the United States District Court for the Middle District of Tennessee. The Subpoena seeks testimony related to Petitioner's on-air reporting during CNBC's November 16, 2018 "Squawk on the Street" television program ("CNBC Segment").

Pursuant to the Southern District of New York Electronic Case Filing Rules & Instructions, 5.2, "[a] party may move before the Court for permission to serve and file in hard copy documents that cannot be reasonably scanned." Petitioner hereby requests that the Court grant leave to submit the video referenced as Exhibit A to the Declaration of David Faber. That exhibit is a video of the CNBC Segment regarding which Respondents seek Petitioner's testimony and is therefore an integral part of Petitioner's Motion to Quash.

If this letter motion is granted, Petitioner intends to send a copy of a disc to Chambers and all counsel of record for Respondents.

Respectfully submitted,

/s/ Elizabeth A. McNamara  
Elizabeth A. McNamara  
Meenakshi Krishnan (*pro hac vice* pending)  
DAVIS WRIGHT TREMAINE LLP

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1251 Avenue of the Americas, 21st Floor  
New York, New York 10020  
Telephone: (212) 603-6437  
lizmcnamara@dwt.com  
meenakshikrishnan@dwt.com

Daniel M. Kummer  
Senior Vice President, Litigation  
NBCUNIVERSAL MEDIA, LLC  
30 Rockefeller Plaza, Rm. 620-537  
New York, New York 10112  
Telephone: (212) 664-4017  
daniel.kummer@nbcuni.com

*Attorneys for Petitioner David Faber*

cc: Counsel of record (via ECF and email)